



Crime and Courts Act 2013

2013 CHAPTER 22

PART 1

THE NATIONAL CRIME AGENCY

The NCA and its officers

1 The National Crime Agency

- (1) A National Crime Agency, consisting of the NCA officers, is to be formed.
- (2) The NCA is to be under the direction and control of one of the NCA officers, who is to be known as the Director General of the National Crime Agency.
- (3) The NCA is to have—
 - (a) the functions conferred by this section;
 - (b) the functions conferred by the Proceeds of Crime Act 2002; and
 - (c) the other functions conferred by this Act and by other enactments.
- (4) The NCA is to have the function (the “crime-reduction function”) of securing that efficient and effective activities to combat organised crime and serious crime are carried out (whether by the NCA, other law enforcement agencies, or other persons).
- (5) The NCA is to have the function (the “criminal intelligence function”) of gathering, storing, processing, analysing, and disseminating information that is relevant to any of the following—
 - (a) activities to combat organised crime or serious crime;
 - (b) activities to combat any other kind of crime;
 - (c) exploitation proceeds investigations (within the meaning of section 341(5) of the Proceeds of Crime Act 2002), exploitation proceeds orders (within the meaning of Part 7 of the Coroners and Justice Act 2009), and applications for such orders.

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- (6) The NCA must discharge the crime-reduction function in the following ways (in particular).
- (7) The first way is by the NCA itself—
- (a) preventing and detecting organised crime and serious crime,
 - (b) investigating offences relating to organised crime or serious crime, and
 - (c) otherwise carrying out activities to combat organised crime and serious crime, including by instituting criminal proceedings in England and Wales and Northern Ireland.
- (8) The second way is by the NCA securing that activities to combat organised crime or serious crime are carried out by persons other than the NCA.
- (9) The third way is by the NCA securing improvements—
- (a) in co-operation between persons who carry out activities to combat organised crime or serious crime, and
 - (b) in co-ordination of activities to combat organised crime or serious crime.
- (10) The crime-reduction function does not include—
- (a) the function of the NCA itself prosecuting offences; or
 - (b) the function of the NCA itself instituting criminal proceedings in Scotland.
- (11) In this Part, a reference to activities to combat crime (or a particular kind of crime, such as organised crime or serious crime) is a reference to—
- (a) the prevention and detection of crime (or that kind of crime),
 - (b) the investigation and prosecution of offences (or offences relating to that kind of crime),
 - (c) the reduction of crime (or that kind of crime) in other ways, and
 - (d) the mitigation of the consequences of crime (or that kind of crime);
- and references to the carrying out of activities to combat crime (or a particular kind of crime) are to be construed accordingly.
- (12) Schedule 1 (the NCA & NCA officers) has effect.

2 Modification of NCA functions

- (1) The Secretary of State may, by order, make—
- (a) provision about NCA counter-terrorism functions (and, in particular, may make provision conferring, removing, or otherwise modifying such functions); and
 - (b) other provision which the Secretary of State considers necessary in consequence of provision made under paragraph (a) (and, in particular, may make provision about the functions of any person other than the NCA, including provision conferring or otherwise modifying, but not removing, such functions).
- (2) If an order under this section confers an NCA counter-terrorism function, an NCA officer may only carry out activities in Northern Ireland for the purpose of the discharge of the function if the NCA officer does so with the agreement of the Chief Constable of the Police Service of Northern Ireland.

- (3) That includes cases where an order under this section confers an NCA counter-terrorism function by the modification of a function.
- (4) An order under this section may amend or otherwise modify this Act or any other enactment.
- (5) An order under this section is subject to the super-affirmative procedure (see section 58 and Schedule 23).
- (6) In this section “NCA counter-terrorism function” means an NCA function relating to terrorism (and for this purpose “terrorism” has the same meaning as in the Terrorism Act 2000 — see section 1 of that Act).

3 Strategic priorities

- (1) The Secretary of the State must determine strategic priorities for the NCA.
- (2) In determining strategic priorities for the NCA (including deciding whether there should be such priorities), the Secretary of State must consult—
 - (a) the strategic partners,
 - (b) the Director General, and
 - (c) any other persons whom the Secretary of State considers it is appropriate to consult.

4 Operations

- (1) The Director General has (by virtue of the function of direction and control of the NCA) the power to decide—
 - (a) which particular operations are to be mounted by NCA officers, and
 - (b) how such operations are to be conducted.
- (2) In exercising functions, the Director General must have regard to—
 - (a) any strategic priorities for the NCA (see section 3);
 - (b) the annual plan (see below); and
 - (c) the framework document (see Part 1 of Schedule 2).
- (3) Before the beginning of each financial year, the Director General must issue a document (the “annual plan”) setting out how the Director General intends that NCA functions are to be exercised during that year (including how they are to be exercised in Scotland and Northern Ireland).
- (4) The annual plan for a financial year must include—
 - (a) a statement of any strategic priorities for the NCA,
 - (b) a statement of the operational priorities for the NCA, and
 - (c) in relation to each of the strategic and operational priorities, an explanation of how the Director General intends that the priority will be given effect to.
- (5) The Director General must determine operational priorities for the NCA; and those priorities may relate—
 - (a) to matters to which current strategic priorities also relate, or
 - (b) to other matters;

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but operational priorities must, in any event, be framed so as to be consistent with the current strategic priorities.

- (6) In preparing any annual plan, the Director General must consult—
 - (a) the strategic partners, and
 - (b) any other persons whom the Director General considers it is appropriate to consult.
- (7) The Director General is required by subsection (6)(a)—
 - (a) to consult the Scottish Ministers about the annual plan only as it relates to activities in Scotland; and
 - (b) to consult the Department of Justice in Northern Ireland about the annual plan only as it relates to activities in Northern Ireland.
- (8) Before issuing any annual plan, the Director General must obtain—
 - (a) the consent of the Secretary of State to the plan,
 - (b) the consent of the Scottish Ministers to the plan as it relates to activities in Scotland, and
 - (c) the consent of the Department of Justice in Northern Ireland as it relates to activities in Northern Ireland.
- (9) The Director General must arrange for each annual plan to be published in the manner which the Director General considers appropriate.
- (10) Schedule 2 (the framework document & annual report) has effect.